



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/529,159

03/24/2005

Dieter Dinkel

PC10763US

2091

23122 7590 06/08/2009
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER

WEINSTEIN, LEONARD J

ART UNIT

PAPER NUMBER

3746

MAIL DATE

DELIVERY MODE

06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,159	Applicant(s) DINKEL ET AL.	
	Examiner LEONARD J. WEINSTEIN	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 19 and 23-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-28 is/are allowed.
- 6) ☒ Claim(s) 16, 19, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 4, 2009 has been entered.
2. The examiner respectfully acknowledges the amendments to claims 16, 19, and 23-28. Claims 20-22, 29 and 30 are noted as having been canceled without prejudice.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3746

5. Claims 16, 19, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinz et al. WO 01/70550 in view of Schuller et al. US 6,361,295. Hinz teaches all the limitations as claimed for a supply device including: **[claim 16]** a piston 3 is movably arranged in an accommodating member 1, a carrier 9 bears a non-return valve 11 arranged coaxially to the piston 3 for the purpose of ventilating a working chamber 40 into which the piston 3 plunges, a resetting spring 4 is arranged between the carrier 9 and the piston 3, wherein a multi-part cage assembly (4, 5, 36, 37, 63) comprising a plurality of separate cage parts (36, 63), the resetting spring 4, the plurality of separate cage parts (36, 63) comprise fastening means (press fit engagement between elements 36 and 63 in region surrounding element 4 where it abuts element 63, that lock the multi-part cage assembly (4, 5, 36, 37, 63) and the resetting spring 4 is caged and simultaneously elastically preloaded under the relative displacement of the plurality of separate cage parts (36, 63), said fastening means (press fit engagement between 36 and 63) comprising a first 36 and second 63 cage part, wherein one of the first 36 and second 63 cage parts has a cylindrical wall forming a carrier-side engagement area (as defined by the inner circumference of element 63, inside of an outer bent portion of element 63 that is press fit with element 36, which abuts a flat surface of element 9 below element 12 as shown in figure 12) with which the multi-part cage assembly (4,5, 36, 37, 63) is accommodated in the carrier 9 (the surface of element 63 bears on the surface of the element 9 that is recessed and therefore “in” the carrier); **[claim 23]** wherein at least one of the first 36 and second 63 cage part includes a separate guiding portion, inner rim of the element 36 receiving element 63 and outer

Art Unit: 3746

curved axially extending protrusion on an outer circumference of element 63, for radial centering and guiding of the one of the first 36 and second 63 cage part with the other of the first 36 and second 63 cage part; **[claim 24]** a guiding portion of the one of the first 36 and second 63 cage part has a rounded or inclined conical configuration, as defined by the rounded inner rim of element 36 receiving the rounded axial protrusion of element 63, so that a mating portion (rounded axial protrusion of element 63) of the other of the first 36 and second 63 cage part is automatically lead into a correct position during locking of the one of the first 36 and second 63 cage part and the mating portion (rounded axial protrusion of element 63) of the other of the first 36 and second 63 cage part.

Hinz fails to teach the limitations for a supply device that are taught by Schuller for a supply device including a carrier 68 and a cage assembly 54 including: **[claim 16]** as least two components forming an assembly, elements 64 and 68, associated with the cage assembly 54, as element 64 houses assembly 54 and element 68 is proximately located near element 54 by connection with element 64, are fastened together where in a first component 68 has locking arms 80 that fit into fastening means of a second component 64 including recesses or holes 72 for receiving the locking arms 80 of the first component; **[claim 19]** and each of a first and second component (64, 68), includes fastening means (72 and 80 respectively) that are provided in pairs and lying diametrically opposite each other, as exemplified in figure 2 with respect to element 80 of element 68. Schuller teaches a fastening mechanism by way of detent connection between a carrier and a closure for a supply device. Schuller teaches that the fastening

Art Unit: 3746

means has the advantage that it can be done and undone by simple means and components of the supply device no longer have to be crimped together. A modification to Hinz in which a detent connection was formed on one of elements 36 or 63, and engaging arms were formed on opposite component where detent was not made, would provide a reliable connection between components that did not require the use of a separate tool but also facilitated disassembly. It would have been obvious to one having ordinary skill in the art the time the invention was made to modify a connection between components of a cage assembly that receives a piston in a supply device, as taught by Hinz, to have a detent connection, as taught by Schuller, in order to provide an easy means for assembly and disassembly that did not require the use of a tool such as a crimping tool (Schuller - col. 1 ll. 51-57).

Allowable Subject Matter

6. Claims 25 and 26-28 are allowed.

Response to Arguments

Applicant's arguments filed March 4, 2009 have been fully considered but they are not persuasive. With respect to the rejection of claims 16, 19, 23, and 24 under 35 U.S.C. 103(a) as being unpatentable over Hinz et al. WO 01/70550 in view of Schuller et al. US 6,361,295, the applicant argues that the cited references do not teach the limitations of at least one of a first or second cage part comprising a cylindrical wall that forms an engagement area on a carrier side of the multi-part cage assembly that is accommodated by a carrier. The examiner respectfully disagrees and notes that these limitations were drawn from previously dependent claim 25, however were not

Art Unit: 3746

considered or indicated as being the allowable subject matter of the formerly dependent claim. The aspect of claim 25 considered inventive was that the cylindrical wall forming a carrier side engagement area was axially spaced from a fastening means for the multi-part cage assembly. As discussed above Hinz teaches cylindrical wall forming a carrier-side engagement area with which the multi-part cage assembly (4, 5, 36, 37, 63) is accommodated in the carrier 9, as defined by the inner circumference of cage part 63. As shown in figure 12, the inner circumference of element 63 forms a surface inside of an outer bent portion of cage part 63 that is press fit with the second cage part 36 and abuts a flat surface of carrier 9 below valve element 12. Further the surface of cage part 63 bears on the surface of the carrier 9 that is recessed and therefore “in” the carrier. Therefore although Hinz teaches a cylindrical wall on a multi-part cage that is received by a carrier that is not axially space from a locking mechanism, the instant reference does teach a cylindrical wall meeting the limitations of claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is (571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746